

Mailing Date: December 28, 1998

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Mr. Jared Kammerer
General Manager
THE EMBERS INN & CONVENTION CENTER
1700 Harrisburg Pike
Carlisle, PA 17013

Dear Mr. Kammerer:

ISSUE: In your December 17, 1998 letter to this office, you inquired whether it would be permissible for the Embers Inn and Convention Center, holder of hotel liquor license H-4686, to run a New Year's Eve promotion which consisted of a fixed price for food and entertainment. In addition, you wish to conduct your happy hour from 7:00 p.m. to 9:00 p.m. on the day in question. The fixed price promotion does not include any alcoholic beverages.

OPINION: The Board's Regulations dealing with happy hour promotions allow licensees to have a happy hour for two hours each day so long as the promotion expires by midnight. In addition, the Board does not regulate how licensees promote their food and entertainment packages. Since your happy hour promotion would only last two hours and since the fixed price New Year's Eve package does not include alcoholic beverages, your promotion as outlined in your December 17, 1998 letter is permissible.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
Chief Counsel

c.c. Pennsylvania State Police
Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454
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LCB Advisory Opinion No. 98-418